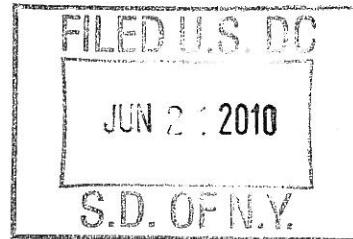


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

This Document Applies To:

In the Matter of the Application of
Richard S. Fuld, Jr. for an Order to Show Cause
To Enjoin the Arbitration Captioned
Booth Foundation, Inc. v. Martin D. Shafiroff,
Morgan C. McLanahan and Richard S. Fuld, Jr.
No. 09-01844, Now Pending Before the
Financial Industry Regulatory Authority,
Case No. M-82.

Civil Action: 09-MD 2017



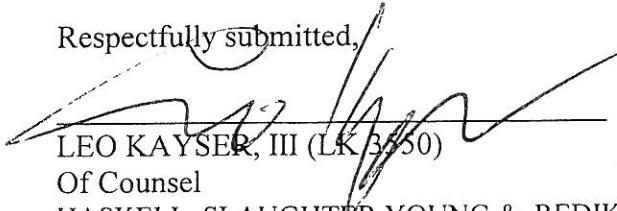
NOTICE OF APPEAL

Notice is hereby given that Booth Foundation, Inc. ("Booth"), Respondent in the above-named case, hereby appeals to the United States Court of Appeals for the Second Circuit (1) from each and every part of that part of this Court's Memorandum Opinion and Order, entered April 20, 2010, which granted the Petition and Motion of Richard S. Fuld, Jr. ("Fuld") for an injunction enjoining the arbitration of Count Six of Booth's arbitration Statement of Claim against Fuld, and (2) from each and every part of the Order entered May 20, 2010, denying Booth's Motion to Reconsider that part of the aforesaid Opinion and Order pursuant to Fed.R.Civ.P. 59(e).

Dated: New York, New York

June 21, 2010

Respectfully submitted,


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